

## REMARKS:

Claims 1-6 and 16-25 are pending in the application. In the Office Action dated August 4, 2005, The Examiner rejected claims 2 and 3 under 35 U.S.C. 112, second paragraph, as being indefinite, and rejected claims 1-6 and 16-22 under 35 U.S.C. 103(a) as being unpatentable over Kurita et al. in view of Tabata. These rejections are respectfully traversed.

### **The 112 rejection of claims 2 and 3**

In this amendment, claim 1 has been amended to include the subject matter of original claim 2 to more clearly and specifically define the subject matter that Applicant regards as the invention, and not for reasons of patentability. Claims 2 and 3 have been canceled. These cancellations render the 112 rejection moot; however, for the record, Applicant continues to disagree with this rejection for the reasons set forth in the remarks of November 4, 2005.

### **The 103(a) rejections**

In addition to the remarks of the response dated November 4, 2005, it is respectfully requested that the following remarks, regarding currently amended claims 1 and 17 and new claims 23-25, be considered in the prosecution of this application.

#### **Amended Claim 1**

In order to more clearly define the subject matter which Applicant regards as the invention, claim 1 has been amended to include the subject matter of original claim 2. Claim 1 has also been amended to include the limitation that - a lower portion of each of said assembly body brackets comprises a substantially triangular cross-section.- - This is not new matter; see at least the FIGS. This limitation was added to further distinguish claim 1 from the prior art; specifically, Kurita's bed 1b, referred to by the Examiner as allegedly anticipating the inventive assembly body brackets, has a rectangular cross-section.

#### **Amended Claim 17**

Claim 17, line 10, was amended to more clearly define the subject matter which Applicant regards as the invention and to correct a typographical error. Line 3 was amended to correct a typographical error.

### **New claim 23**

is substantially the same as claim 19, with the exception of the new limitation - -wherein a lower portion of said assembly body bracket comprises a substantially triangular cross-section.- - See remarks under the heading "amended claim 1" above for support for this limitation.

### **New claims 24-25**

The limitation of claims 24 and 25 was added to more clearly define the subject matter which Applicant regards as the invention, and to further distinguish the invention from the prior art. This is not new matter; see at least the FIGS. In addition to the patentability of claims 1 and 17, from which claims 24 and 25 respectively depend, as argued in the response of November 4, 2005, and above, claims 24 and 25 contain the limitation that - -said two cushion block parts are integrally connected.- - The Examiner cited two separate electromagnets, Kurita's 36a and 36b, as corresponding to the inventive cushion block parts but, in addition to the reasons set forth on November 4, 2005, and below, electromagnets 36a and 36b do not anticipate the inventive cushion block parts at least of claims 24 and 25 because they are two separate elements; see FIG. 3.

### **Response to Advisory Action**

Regarding the Examiner's comments in the Advisory Action dated November 28, 2005, the Examiner argued that "the claims do not specify the specific structures of the cushion blocks in order to exclude electromagnets to be construed as cushion blocks." This is incorrect. Claims 2, 3, 19, and 20, as presented in the Amendment of May 23, 2005, and currently pending claims 1, 19, 20, and 23 contain limitations directed to either Electro- or Magneto-Rheological fluid filled in each cushion block part (with corresponding means for applying electromagnetic fields thereto) for varying the stiffness of the cushion block parts. This inherently excludes electromagnets, as Electro- or Magneto-Rheological fluid cannot vary the stiffness of electromagnets. See also Applicant's remarks in paragraph 4 of the "REMARKS" section of the response of November 4, 2005.

While claim 17 does not contain the limitation of Electro- or Magneto-Rheological fluid, it does contain the limitation of variable stiffness means disposed within said cushion block parts; Applicant asserts that this inherently excludes electromagnets as well.

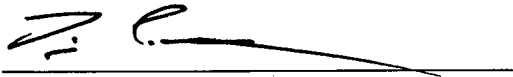
All currently pending independent claims contain limitations that inherently exclude electromagnets from being construed as cushion block parts. Thus all claims are patentable over Kurita and Tabata.

**Conclusions**

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0133).

Respectfully submitted,



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